

Municipal Building, Harmony, NJ,  
July 6, 2004-7:30 p.m.

Regular Preside	<p>The regular meeting of the Township Committee of Harmony Township Warren County, New Jersey was called to order by Mayor Louis G. Mattei. Mayor Mattei made the following announcement: “Adequate notice of this meeting was given in accordance with the Open Public Meetings Act by providing a notice of the meeting to The Star-Gazette and The Express-Times, posting a copy thereof on the Township bulletin board and filing a copy thereof in the office of the Municipal Clerk.” The Pledge of Allegiance to the American Flag was led by Mayor Mattei.</p>
Roll call	<p>Present were Mayor Louis G. Mattei, Committeeman John H. Burdge, Committeewoman Abigail Postma, Attorney William Edleston, Engineer Nevitt Duveneck and Zoning/Code Enforcement/Public Officer John S. Fritts.</p>
Engineer’s Report	<p>Engineer Nevitt Duveneck reported on the following:</p> <ul style="list-style-type: none"><li>• A meeting was held on June 14<sup>th</sup> with representatives of Harmony Compost and the Warren County Planner Dave Dech to discuss concerns regarding this site. As a result of that meeting, Mr. Rotundi agreed to consider compensation to the Township for the reconstruction work previously completed by the Township Road Department on the roadway. Engineer Duveneck and Jim Fox will work on getting a price together. Also it was agreed to that the Township would not take exception to Harmony Compost’s application for soil importation and blending at this site.</li><li>• The paperwork for the speed limit on Ridge Road is in the process of being completed. Engineer Duveneck needs to get copies of accident reports for this road. He is having difficulty obtaining these documents and will continue to research.</li><li>• The final voucher for the NJDOT guiderail improvement project has been processed. The final close-out paperwork with the NJDOT is being prepared. Total cost of this project was \$71,140.00.</li><li>• The barrels located at the Witco site were inspected. They did not contain any hazardous contents. The barrels are the responsibility of the Township. Engineer Duveneck will be following up with Crompton on the soil removal that is to take place. French and Parrello will be forwarding their recommendation to the Township in the near future on possible brownfield funding for this site.</li><li>• The Township will have to adopt a Stormwater Management Plan by April 1, 2005. Harmony Township is a Tier B Municipality which requires less responsibilities versus Tier A Municipalities. Engineer Duveneck estimated costs that will be incurred this year to be \$2,000.00-\$3,000.00. The next phase will be more involved and expensive, however, these costs could be provided for in the 2005 budget. Engineer Duveneck will work on putting together a cost analysis for consideration in the 2005 Budget.</li><li>• The fall clean up day was discussed. Recommendation was made to re-bid the project due to bid irregularities submitted by Gary Gray Trucking.</li><li>• The Road Resurfacing program was discussed. After receiving two bids on July 1, 2004, a recommendation to award the project to Dosch-King was made.</li><li>• Two resolutions (applications) have been prepared to submit for the NJDOT municipal trust funding. First priority is for Decker Road reconstruction. The second is for drainage improvements for a portion of Montana Road. It was the recommendation of the Engineer to approve these resolutions (applications).</li><li>• Harmony Station Road Paving Project was discussed. It was determined that it would be more cost effective to have Morris County Cooperative do the paving vs. our road department. Engineer Duveneck will coordinate the</li></ul>

paving with Mr. Fox and Tilcon through the MCCPC.

Moved by Mayor Mattei, seconded by Burdge to reject the bid for fall clean up by Gary Gray Trucking and have Finelli Consulting prepare re-bid documents. Roll Call: Ayes: Mattei, Burdge, Postma. Nays: none.

Moved by Mayor Mattei, seconded by Burdge to award the road resurfacing bid to Dosch King in the amount of \$68,449.92. Roll Call: Ayes: Mattei, Burdge, Postma. Nays: none.

Road  
Supervisor

The Road Supervisor’s daily work report for the month of June was reviewed.

Moved by Mattei, seconded by Postma to approve the Road Supervisor’s report. Roll Call: Ayes: Mattei, Postma, Burdge. Nays: none.

The option of adding onto the recreation snack shop for equipment storage or purchasing a shed type garage building was discussed. After reviewing the quotes received from Mike’s Sales & Service and Woolf’s for sheds vs. the quotes received for an expansion from Jim Venner, Ricky Kutzler and Paul Smith, it was the consensus to purchase a 12’ x 24’ shed with a roll up door and a 3 ft. walk in door.

Moved by Mayor Mattei, seconded by Burdge to purchase and install a 12’ x 24’ storage shed to be located near the recreation site snack shop in an amount not to exceed \$6,000.00. \$4,000.00 to be allowed for the building and the remaining \$2,000.00 to be used for electrical work and security requirements. Roll Call: Ayes: Mattei, Burdge, Postma. Nays: none.

Road Supervisor Fox discussed the need for legal “no trespassing” signs to be placed around the Municipal Garage. He reviewed an incident involving children recently playing on the municipal garage property. Mr. Fox and Attorney Edleston will work on the proper wording to be used on the signs.

Road Supervisor Fox reported that the residents along Harmony Station and Harmony Terrace requested speed limit signs and children at play signs. Mr. Fox was given the authorization to place children at play signs up. He also noted that there were no Rail Road Signs posted. Engineer Duveneck will contact the Rail Road representatives to report. An ordinance will have to be created for a speed limit on Harmony Station and Harmony Terrace. Trooper D. Dalrymple of the NJSP was present in the audience and he commented that in order for the State Police to enforce the speed limit, an ordinance and signs must be in place.

Moved by Mayor Mattei, seconded by Burdge authorizing Attorney Edleston and Engineer Duveneck to research and prepare if necessary an appropriate speed limit ordinance for Harmony Station and Harmony Terrace. Roll Call: Ayes: Mattei, Burdge, Postma. Nays: none.

Zoning  
Officer

The Zoning Officer’s report for the month of June was reviewed and included the following items.

Lisa Rosenburger, Block 9 Lot 54.02, received a zoning release for a rear sun room.

John Quin received a zoning permit for adding a sun room.

Talked with Rudy Baakman about installing the driveway at 11 Harkers Hollow court.

Sharon Molnivine inquired about property a 1615 River road ( Bk.47Lt.25)

Jacklin ViVian inquired about installing stairs on the river front. No concrete pads are permitted.

Tom Miscia received a Certificate of Release for the house at 1020 Harmony Station road.

Jeff Serdinsky received a zoning permit for an in-ground pool.

Marian Minimum, Harmony Station road called about the final grading of the driveway entrance.

John Skuddie called about subdividing Block 35 Lot 1 ( 8 acres).

Tammy- Woody Holmes- inquired about paving a driveway.

Tuesday Moss wanted a house inspection. I recommended a Home inspection company.

Richard Poultry inquired about a warehouse at the old Roadway Express.

Scott Winters received a deck permit for block 38 lot 21.

Ed Berger received a permit for a 30 ft. x 30 ft. garage.

Graham Edwards, 19 Wester road, received a permit for an 17 ft. x 38 ft. in-ground pool.

James Taylor, Swamp road, inquired about a 5 acre lot. Wet lands determination is required.

JoAnn Smith received an certificate of release for a house.

Stephie Vine, delivered elevations for the property on Fiddler Elbow Road.

Gerald Williams, 25 Belview Road, inquired about storing trucks in the rear yard.

Bill, Baers Engineering, called about the driveway criteria for block 12 lot 4.

Michelle Gaffney called about selling her property and what it's uses are. The lots are narrow and under-sized.

Cindy Bowman, Stewartsville Grange, received a certificate of release for the Grange at the Warren County Fair Grounds.

Rick Tillman inquired about lot size and road frontage for Block 38 Lot 6.

Talked with Sharon Ortipio about the land uses for block 8 lot 1

Diane Oberly, 1033 Broad Street, received a permit for an 24 ft. above ground pool.

Caroline Sunday inquired about a size of a sign for selling land at Block 9 lot 19.01.

Moved by Mayor Mattei, seconded by Burdge to approve the Zoning/Code Enforcement/Public Officer report. Roll Call: Ayes: Mattei, Burdge, Postma. Nays: none.

- Consent Agenda
- The following items in the consent agenda were reviewed and approved:
- Meeting minutes of June 2, 2004
  - Executive minutes of June 2, 2004
  - Environmental Commission Report
  - Recreation Site Groundskeeper Report
  - Municipal Court Report
  - Historical Commission Report
  - Animal Control Officer Report
  - Tax Collector Report
  - Chief Financial Officer Report

The following list of bills were approved:		
9794	Kaiser Electric Co.	3,829.00
9795-9814	Void	
9815	4-H Adventures Environmental Sciences	250.00
9816	A&S Hydraulics, Inc.	134.58
9817	ABE Parking Lot Striping Co.	100.00
9818	AT&T	323.02
9819	AT&T Wireless	105.69
9820	Alert Graphics	369.00
9821	Allied Oil	460.49
9822	Ann D. Viebrock	19.69
9823	Aramark Uniform Services	527.82
9824	Avaya, Inc.	185.55
9825	Belvidere Ambulance Corps.	2,500.00
9826	Bergey's	31.95

9827	Boise Cascade Office Products	115.90
9828	Buchalski, Reynolds & Brodowski	34,462.36
9829	County of Warren-Treasurer	1,448.74
9830	Daniel Castaldi	500.00
9831	Deer Park Water	125.91
9832	Dennis Bertland	14,400.00
9833	Duke's Sporting Goods	797.00
9834	Federal Express Corp.	18.15
9835	Feibach's Welding	272.25
9836	Fox Bros. Alarm Services, Inc.	639.00
9837	Franklin Township Rescue Squad	2,500.00
9838	Gene & George Smith Sanitation	423.84
9839	General Code Publishers Corp.	715.63
9840	Harmony Twp.General Fund	1,330.00
9841	Harmony Hardware	323.86
9842	Harmony Sand & Gravel, Inc.	190.20
9843	Harmony Township Historical Society	500.00
9844	Harmony Twp. Volunteer Fire Co.	30,000.00
9845	Home Depot	107.17
9846	ITS Mailing Systems, Inc.	1,716.00
9847	International Healthcare, Inc.	111.00
9848	JCP&L	936.68
9849	Junior Troop #838	250.00
9850	Kelley D. Smith	208.57
9851	Kittler-O'Brien Fire Protection	518.50
9852	Lacuna's Gravely Tractor	749.67
9853	Hopatcong Emergency Squad	10,000.00
9854	Mace Consulting Engineers, P.C.	3,583.30
9855	Michael J. Margulies	750.16
9856	Municipal Software, Inc.	202.50
9857	Municipal Software, Inc.	1,527.00
9858	NALBOH	95.00
9859	NJ League of Municipalities	96.00
9860	NJN Publishing Co.	145.94
9861	NJSHBP	2,798.90
9862	National Small Flows Clearinghouse	124.36
9863	Net Access Corporation	323.44
9864	Nextel Communications	676.55
9865	Precast Manufacturing Co.	3,260.00
9866	Performance Tire Co., Inc.	381.00
9867	Phoenix Wireless, Inc.	145.10
9868	Pitney Bowes Purchase Power	92.07
9869	Poster Compliance Center	46.94
9870	QC Inc.	116.50
9871	Raritan Valley Disposal, Inc.	6,290.00
9872	Restoration Technologies of NJ LLC	2,600.00
9873	Richard J. Motyka	102.00
9874	S.A. Communale Co.	312.00
9875	SCC Concrete, Inc.	207.00
9876	Sailer's Florist	110.00
9877	The Express-Times	566.88
9878	Township of Lopatcong	6,250.00
9879	Treasurer, State of NJ/DYFS	50.00
9880	Treasurer, State of NJ	167.00
9881	Treasurer, State of NJ	276.00
9882	United States Postal Services	150.00
9883	Verizon	392.78
9884	Vernon Motors, In.c	532.06
9885	Vital Services Group	158.95
9886	Warren Materials	1,533.50
9887	White Glove Treatment	417.00

9888	William R. Edleston, Esq.	3,986.25
9889	PA Department of Revenue	174.53
9890	State of NJ – 927	1,149.02
9891	Lyn Paul Aaroe, Esq.	1,612.50
9892	Metz, Inc.	647.00
9893	NJ League of Municipalities	20.00
9894	Rosenblum, Wolf & Lloyd	2,117.50
9895	Warrenside Restaurant	54.00
9896	Finelli Consulting Engineers	4,378.01
4732	Bonnie Dakis	367.58
4733	James Fox	1,344.11
4734	Randy Hoffman	966.09
4735	Frank McLain	1,142.52
4736	Kelley Smith	1,016.26
4737	J. Richard Collins	299.59
4738	Mary Dobes	1,396.97
4739	John Fritts	634.47
4740	Joseph Hriczak	1,187.52
4741	Richard Motyka	1,011.20
4742	Ann Viebrock	588.27
4743	Amanda Wojcik	171.70
4744	Bonnie-Marie Dakis	455.02
4745	James Fox	1,289.01
4746	Randy Hoffman	935.17
4747	Frank McLain	1,430.00
4748	Kelley Smith	1,050.32
1009	Highway Safety Systems, Inc.	71,137.50
1010	Finelli Consulting Engineers	457.75
3212	Finelli Consulting Engineers	1,203.25
3213	Harmony Twp. General Fund	1,000.00
3214	Leggette, Brascheers & Graham, Inc.	3,280.00
3215	Lyn Paul Aaroe, Esq.	1,513.75
3216	Lyn Paul Aaroe, Esq.	750.00
3217	Mace Consulting Engineers, P.C.	80.00
3218	Mace Consulting Engineers, P.C.	4,611.00
3219	Thonet Associates, Inc.	5,740.00
3220	Kelley & Patrick Smith	1,704.00
3221	Finelli Consulting Engineers	1,490.00
1036	Finelli Consulting Engineers	461.75

The following Resolutions were approved in the consent agenda:

HARMONY TOWNSHIP  
WARREN COUNTY  
RESOLUTION NO. 50

A RESOLUTION OPPOSING A-2073/S-1558 ON ELIMINATION OF TREASURER  
OF SCHOOL MONIES

WHEREAS, A-2073/S-1558 goes far beyond its intent to address violations of rights protected under the New Jersey Constitution; and

WHEREAS, A-2073/S-1558 specifically includes a provision for award of counsel fees to a prevailing plaintiff for any claim that arises from an alleged violation of "any rights, privileges or immunities secured by the constitution or laws of this state"; and

WHEREAS, this could inevitably encourage litigation arising under a host of statutory provisions; and

WHEREAS, the wording in A-2073/S-1558 could allow an award of counsel fees for any case brought against a governmental entity arising under any statutory provision if the plaintiff can allege denial of due process; and

WHEREAS, this could potentially include such an allegation in an appeal from a Planning Board or a Zoning Board of Adjustment, and if the plaintiff prevailed on that argument, he or she could then seek to recover counsel fees; and

WHEREAS, this bill could apply to appeals where someone was denied a license, denied a construction permit, filed an appeal to the construction board of appeals, or had disciplinary action taken against a license (alcoholic beverage licenses, etc.), and could also apply to every grievance hearing conducted by the local government under collective bargaining contracts, disciplinary actions against employees, and the like; and

WHEREAS, this legislation would enable employees who routinely claim they did not receive a fair hearing at the local level to bring suit for the deprivation of due process, thereby significantly increasing the costs of the disciplinary cases and putting pressure on management to ignore conduct that is unacceptable on the part of an employee; and

WHEREAS, it could also apply to cases arising in the schools as the result of disciplinary hearings involving students or employees, decisions involving classifications of students, etc.; and

WHEREAS, suits for tort damages that have nothing to do with constitutional or civil rights issues could be brought under this statute to avoid the carefully crafted immunities of the Tort Claims Act; and

WHEREAS, there is no corresponding right to obtain counsel fees if the governmental entity were to prevail, however the plaintiff need only prevail in the litigation to receive counsel fees; and

WHEREAS, the potential for awards of counsel fees in such actions is enormous; and

WHEREAS, this legislation carries no statute of limitations or language to make it prospective in application, meaning it could apply to claims already filed and in litigation; and

WHEREAS, the consequences for municipalities and their overburdened taxpayers could be horrendous; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund has estimated that the cost of this legislation to municipalities could easily be \$25 to \$50 million per year or more;

NOW THEREFORE BE IT RESOLVED the governing body of the municipality of HARMONY TOWNSHIP strongly opposes A-2073/S-1558 and urges its defeat in its current form; and

BE IT FURTHER RESOLVED the governing body of the municipality of HARMONY TOWNSHIP urges support of amendments to address these serious concerns, and so that there can be protection for the civil rights of New Jersey citizens without opening the floodgates to litigation on a broad range of claims that will no longer be governed by the traditional principle that litigants pay their own costs of litigation.

BE IT FURTHER RESOLVED this resolution shall be forwarded to our State Senator and Assembly Representatives, to Governor James E. McGreevey, and to the New Jersey State League of Municipalities.

I hereby certify the foregoing to be true copy of the Resolution duly adopted by the Harmony Township Committee at its meeting held on June 7, 2004

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Kelley D. Smith, Municipal Clerk

TOWNSHIP OF HARMONY  
COUNTY OF WARREN  
RESOLUTION NO. 04:51

RESOLUTION SUPPORTING APPLICATION  
TO THE MUNICIPAL AND CHARITABLE TRUST FUND COMMITTEE

WHEREAS, the Historical Commission of Harmony Township, Warren County, New Jersey, is working to preserve the historic Vannatta Farmstead, located in Harmony Township

WHEREAS, the Harmony Township Committee recognizes the importance of restoring this historical site rich in history and charm to ensure our children, grandchildren and generations to come can enjoy it's history and past and;

WHEREAS, the Warren County Department of Land Preservation has established a Municipal and Charitable Trust Fund Committee to provide the financial and technical support needed for historic preservation projects; and

WHEREAS, a resolution authorizing this municipality to apply for such grants will memorialize the commitment of this municipality bringing new life to New Jersey's Historical Buildings and restoring them to the original glory.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Harmony that the Township of Harmony hereby endorses the submission of the Application to the Municipal and Charitable Trust Fund Committee.

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Harmony Township Committee at a meeting held on June 9, 2004.

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Kelley D. Smith, Municipal Clerk

TOWNSHIP OF HARMONY  
COUNTY OF WARREN  
RESOLUTION NO. 04:52

RESOLUTION AUTHORIZING THE MAYOR  
TO APPROVE AND SIGN AN APPLICATION  
TO THE MUNICIPAL AND CHARITABLE CONSERVANCY FUND COMMITTEE

WHEREAS, the Historical Commission of Harmony Township, Warren County, New Jersey, is working to preserve the historic Vannatta Farmstead, located in Harmony Township and;

WHEREAS, the Warren County Department of Land Conservation has established the Municipal and Charitable Conservancy Trust Fund Committee to provide the financial and technical support needed for historic preservation projects which the Harmony Township Historical Commission is submitting an application.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Harmony empowers the Mayor Louis Mattei to authorize the application to the Municipal and Charitable Conservancy Trust Fund Committee.

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Harmony Township Committee at a meeting held on June 9, 2004.

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Kelley D. Smith, Municipal Clerk

TOWNSHIP OF HARMONY  
COUNTY OF WARREN  
RESOLUTION NO. 04-53

RESOLUTION PROVIDING FOR THE RENEWAL OF ALCOHOLIC BEVERAGE  
LICENSES FOR THE SAGE INN FOR THE PERIOD FROM JULY 1, 2004 TO JUNE  
30, 2005

BE IT RESOLVED by the Township Committee of the Township of Harmony  
that:

WHEREAS, no protests or complaints having been filed by any person with the  
Harmony Township Committee concerning the renewal of the Township’s Alcoholic  
Beverage License as set forth herein; and

WHEREAS, application for renewal have been received and have been found to  
appear proper in form and content; and

WHEREAS, the applicant set forth herein are all qualified to be licensed  
according to all standards established by Title 33 of the New Jersey Statutes and  
Regulations promulgated therein, as well as pursuant to Township ordinances and  
conditions consistent therewith; and

WHEREAS, Alcoholic Beverage Retail Licensee Clearance Certificate for the  
renewal of the license has been received from the New Jersey Division of Taxation in  
compliance with Chapter 161, Laws of New Jersey 1995; and

WHEREAS, additional financing obtained in the previous license term, if any, as  
disclosed by the licensee has been reviewed and considered;

NOW, THEREFORE BE IT RESOLVED that the following license be granted  
effective July 1, 2004 to June 30, 2005:

PLENARY RETAIL CONSUMPTION:  
FEE: \$430.00

2110-33-0005-014	The Sage Inn	3231 Belvidere Road
		Harmony Township
		Phillipsburg, NJ 08865

\* \* \* \* \*

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby  
certify the foregoing to be a true copy of a Resolution adopted by the Harmony Township  
Committee on June 22, 2004.

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Kelley D. Smith, Municipal Clerk

TOWNSHIP OF HARMONY  
COUNTY OF WARREN  
RESOLUTION NO. 04-54

RESOLUTION APPROVING THE ISSUANCE OF AMUSEMENT GAMES  
LICENSES FOR OPERATION AT THE WARREN COUNTY FARMERS’ FAIR

WHEREAS, the Township of Harmony contains a place where an agriculture  
fair and exhibition is held by associations organized for the purpose of holding  
agricultural fairs and exhibitions which is approved by the State Department of  
Agriculture; and

WHEREAS, upon proper applications having been submitted and the appropriate  
fees having been paid;



NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Harmony, Warren County, New Jersey that the following named applicants are hereby licensed by the Township of Harmony pursuant to the “Amusement Games Licensing Law” for games mentioned in the following applications:

<u>No.</u>	<u>Applicant</u>	<u>Game</u>
04:01	Knowlton Lions Club 415 Harmony Station Road Phillipsburg, NJ 08865	Stop & Go Wheel
04:02	Margaret Dombroski 670 N. Broad Street West Hazleton, PA 18202	Shoot out the Star
04:03	Margaret Dombroski 670 N. Broad Street West Hazleton, PA 18202	Stop and Go Wheel
04:04	Margaret Dombroski 670 N. Broad Street West Hazleton, PA 18202	A Dart Game
04:05	Margaret Dombroski 670 N. Broad Street West Hazleton, PA 18202	Cork Gun
04:06	Margaret Dombroski 670 N. Broad Street West Hazleton, PA 18202	Ring Shot
04:07	Mark Dombroski 670 N. Broad Street West Hazleton, PA 18202	Water Race Game
04:08	Mark Dombroski 670 N. Broad Street West Hazleton, PA 18202	Stop and Go Wheel
04:09	Mark Dombroski 670 N. Broad Street West Hazleton, PA 18202	Fishing Game
04:10	John Ott 747 Fairyland Road Lehighton, PA 18235	Balloon Dart
04:11	John Ott 747 Fairyland Road Lehighton, PA 18235	Balloon Dart
04:12	John Ott 747 Fairyland Road Lehighton, PA 18235	Roll A Ball Derby
04:13	Joan Dombroski 5 Dogwood Circle Boynton Beach, Fl. 33436	Skee Ball
04:14	Dwayn A Rice 11205 Big Pool Road Big Pool, MD 21711	Hoopla Block aka Ring a Block
04:15	Dwayn A Rice 11205 Big Pool Road Big Pool, MD 21711	Mini Basketball

04:16	Dwayn A Rice 11205 Big Pool Road Big Pool, MD 21711	Duck Pond
04:17	Deborah A. Foley 1960 Delaware Ave. Whiting, NJ 08759	Pan Game aka Goblet
04:18	Deborah A. Foley 1960 Delaware Ave. Whiting, NJ 08759	1-Ball aka Milk Bottle, Tip'em Over
04:19	Deborah A. Foley 1960 Delaware Ave. Whiting, NJ 08759	Break-A-Dish
04:20	Deborah A. Foley 1960 Delaware Ave. Whiting, NJ 08759	Tubs of Fun
04:21	Jim Bast 3209-C Spanish Wells Dr. Del Ray Beach, Fla.	Basketball
04:22	Jim Bast 3209-C Spanish Wells Dr. Del Ray Beach, Fla.	Gold Fish Bowls
04:23	Jim Bast 3209-C Spanish Wells Dr. Del Ray Beach, Fla.	Fish Pond
04:24	Jim Bast 3209-C Spanish Wells Dr. Del Ray Beach, Fla.	Dish Ping Pond

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby authorized to forward the applications and fees to the Legalized Games of Chance Control Commission for issuance of said licenses for operation at the Warren County Farmers' Fair, August 2-August 7, 2004.

\* \* \* \* \*

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution duly adopted by the Harmony Township Committee at its regular meeting held on July 6, 2004.

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Kelley D. Smith  
Municipal Clerk

TOWNSHIP OF HARMONY  
WARREN COUNTY  
RESOLUTION NO. 04-55

A RESOLUTION AUTHORIZING COMMUNITY DAY FIREWORKS DISPLAY  
BY GARDEN STATE FIREWORKS ON SEPTEMBER 18, 2004

WHEREAS, Harmony Township has scheduled its annual Community Day for September 18, 2004 which includes, among the day's activities, an exhibition of fireworks to be conducted under the supervision of Garden State Fireworks, Inc.; and

WHEREAS, Garden State Fireworks, Inc. has entered into a contract with the Township in connection with said fireworks display and has submitted a certificate of insurance with the Township naming it as an additional insured there under; and

WHEREAS, Garden State Fireworks, Inc. is further authorized and granted a permit for said public display pursuant to N.J.S.A. 21:3-3; and

WHEREAS, the Harmony Township Volunteer Fire Company will be standing by at the scene;

NOW, THEREFORE BE IT RESOLVED by the Harmony Township Committee that approval is given for the fireworks display on September 18, 2004 to be conducted on the Township's lands known as Lot 10, Block 38 by Garden State Fireworks, Inc.

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution duly and unanimously adopted by the Harmony Township Committee at its regular meeting held on July 6, 2004.

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Kelley D. Smith, Municipal Clerk

TOWNSHIP OF HARMONY  
COUNTY OF WARREN  
RESOLUTION NO. 04-57

A RESOLUTION AUTHORIZING APPLICATION FOR A NJDOT MUNICIPAL AID GRANT FOR DECKER ROAD PROJECT

TOWNSHIP OF HARMONY  
COUNTY OF WARREN  
RESOLUTION NO. 04-58

A RESOLUTION AUTHORIZING APPLICATION FOR A NJDOT MUNICIPAL AID GRANT FOR MONTANA ROAD PROJECT

The following raffle applications were approved:

RA:04-09; Warren Hills Wrestling Association  
RA:04-10; Franklin Township Volunteer Fire Co.

The following proclamation was adopted:

PROCLAMATION  
OFFICE OF THE MAYOR  
NATIONAL DAY OF MOURNING  
JUNE 11, 2004

WHEREAS, Ronald W. Reagan served as Governor of California and as 40<sup>th</sup> President of the United States; and

WHEREAS, President Reagan's optimism, strength, humility and humor provided inspiration to Americans during a difficult time in this country's history, and

WHEREAS, President Reagan inspired us with his unshakeable faith in the values of our country; and

WHEREAS, President Reagan's patriotism, faith, courage and dignity are an enduring example for all citizens, and

WHEREAS, it is right and proper for the municipality of Harmony to mourn the passing and honor the memory of President Reagan;

NOW, THEREFORE, I, I Louis Mattei Mayor of Harmony Township do hereby proclaim Friday, June 11, 2004, as a DAY TO MOURN AND HONOR RONALD W. REAGAN, 40<sup>TH</sup> PRESIDENT OF THE UNITED STATES, in the Town of Harmony, and do hereby direct that the flag of the United States of America be flown at half staff at all municipal offices on that day, in recognition and mourning of the passing of President Ronald W. Reagan.

Proclaimed this 11th day of June, 2004

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Louis Mattei  
Harmony Township Mayor

Corres-  
pondence

Correspondence received for the month of July as reviewed by the Committee which included:

Township of Knowlton

Veterans Administration Community Based Outpatient Clinic is proposed and in planning stages to be located in Bangor, PA. Knowlton Township urges support for this project through a resolution or letter. Sample attached

Mayor's Fax Advisories; NJ State League of Municipalities

- Urgent Alert on Underground Storage Tank Operational Compliance
- Donation Request for New Jersey National Guard Family Appreciation Day
- Highlands Legislation and Streamlining Permits headed for Governors Desk, Stormwater Regulations Seminar Dates
- Hand Held Cell Phone Ban Takes Effect July 1st
- New Caps, Appropriations Act, Billboards, and Civil Rights Update
- New Jersey Civil Rights Bill Reminder
- "FAIR" Plan Advances
- Civil Rights Issues A-2073/S-1558, League Urges Representatives to Vote Against This Bill
- FAIR Plan Advances 6/18/04
- Legislative Alert: New Caps, Billboards, Animal Accommodations
- State Permit Streamlining- Follow Up
- State Permit Streamlining
- New Property Tax Relief/Reform Plan Offered
- Mayoral Proclamation Honoring President Reagan
- Legislation Revising Outdoor Advertising Law and Local Tax Treatment of Certain Outdoor Advertising Signs
- National Day of Mourning Honoring President Ronald W. Reagan, "Pay to Play" Reforms, Cancer Presumption, Highlands Bills
- Campaign Finance Reform
- NJ Domestic Security Preparedness Task Force Annual Report

Office of Governor McGreevey- News Releases

- McGreevey Tightens Spending Controls For Local Governments and School Boards
- McGreevey Signs Property Tax Relief Bill
- Parole Board and Labor Team Up, Improve Parolee's Job Opportunities
- Governor Announces Motor Vehicle Task Force Recommendations
- Governor Meets to Discuss NJ Homeland Security Issues
- An Additional 32 Million now available to Mayors for Homeland Security expenses in their Municipal Budgets. This relief is in addition to the FAIR plan that provides for much needed property tax relief to the residents of Harmony.

New Jersey State League of Municipalities

New Jersey Municipalities Magazine Article Submission Guidelines

New Jersey Department of Environmental Protection

Green Acres

Notice of Intent to Deny NJPDES Permit Renewal Application No. NJ0108596 at the Unified TTJV, Inc. facility located in Harmony

New Jersey Department of Labor

Follow Up Inspection/Violations and or hazards were abated

New Jersey Department of Health and Senior Services

Municipal Canvas for Unlicensed Dogs

PEOSH HCS Right to know

DAWN, Inc.

Updated information on the ADAAG for parking spaces and illegal parking fines as of 10/1/03

The H&K Group  
Fuel cost surcharge

WC Board of Chosen Freeholders

Request from Congressman Garrett's Office to Tell Constituents to Ring Church Bells at 1pm Friday, June 11 in honor of President Reagan

Township of South Brunswick

Resolution Requesting Governor McGreevey and the State Legislature to Implement a State Sponsored Financial Aid Program for Military Reservists and National Guard Members Deployed in the Global War on Terror

Douglas Steinhart

Copy of Letter Dated June 16, 2004; to Mayor Mattei re S. Rotondi & Sons

Curzi and Artigliere

- Copy of Letter Dated June 28, 2004 to Harmony Twp. Planning Board re Raub Major Subdivision
- Copy of Letter Dated June 25, 2004 to Mayor, Committee and William Edleston re 1) Notice of Lawsuit of Melodi Curzi vs. Raymond L. Raub, III., and Gail A. Raub 2) Notice of Trespass & Nuisance 3) Easement of Slater Lane 4) Township Enforceability
- Copy of Letter Dated June 17, 2004 to Lyn Aaroe Esq., Planning Board and Committee re Raub Subdivision
- Copy of Letter Dated June 15, 2004 to Lyn Aaroe Esq., Planning Board and Committee re Raub Subdivision (recent survey)

Mark Rogers

Copy of Letter Dated June 3, 2004 to Lyn Paul Aaroe, Esq. re Raub Property

Laurie and Jennifer Taffner

Copy of Letter Dated June 2, 2004 to William Edleston re Harkers Hollow Driveway Situation

William Bryson

Copy of Email Dated June 3, 2004 to Harmony Clerk re "NO DUMPING SIGNS" to be erected on Goat Farm Rd

New Jersey Prevention Network

Newsletter and Calendar of Events

Morris Land Conservancy

Copy of Letter Dated June 28, 2004 to Mayor and Committee re proposal and sample agreement as per meeting on June 24, 2004

Franklin Township 6/9/04

Resolution Opposing the Highlands Water Protection Act

Township of Hardwick 6/2/04

Resolution Opposing the Highlands Water Protection Act

Warren County Planning Department

Resolution to Reaffirm the Warren County Planning Board's Opposition to the Highlands Water Protection Act

Mayor's Fax Advisories; NJ State League of Municipalities

Update on "The Highlands Act"

New Jersey State League of Municipalities

Summary and Analysis of Amendments

Notice of June 7<sup>th</sup> Meeting of the Senate Environment Committee

Moved by Mattei, seconded by Burdge to authorize the Municipal Clerk to write a letter supporting the Veterans Administration Community Based Outpatient Clinic planned for

Bangor, Pa. as requested by the Knowlton Township Committee in their letter dated June 8, 2004. Roll Call: Ayes: Mattei, Burdge, Postma. Nays: none.

O:04-08 AN ORDINANCE AMENDING CHAPTER 165 OF THE CODE OF HARMONY ENTITLED ZONING BY ESTABLISHING A ONE TIME NON-REFUNDABLE APPLICATION FEE FOR THE ISSUANCE OF THE ZONING PERMIT was called up for second reading by title only, a copy of said ordinance having been posted on the Township bulletin board, published in the Star Gazette on June 10, 2004, the official newspaper of the township and copies made available for inspection.

Public Hearing Moved by Mattei, seconded by Burdge that a hearing on the ordinance be opened to the public. Roll Call: Ayes: Mattei, Burdge, Postma. Nays: none.

There being no public comment, moved by Mattei, seconded by Postma to close the public hearing. Roll Call: Ayes: Mattei, Postma, Burdge.

Adoption Moved by Mattei, seconded by Burdge that an ordinance entitled “An Ordinance Amending Chapter 165 of the Code of Harmony Entitled Zoning by establishing a one time nonrefundable application for the issuance of the zoning permit” pass second reading and be adopted, be advertised in the Star Gazette and become effective according to law. Roll Call: Ayes: Mattei, Burdge, Postma. Nays: none.

O:04-09 AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN CONNECTION WITH THE COSTS ATTRIBUTABLE TO A COMPLETE PROGRAM OF EVALUATION OF REAL PROPERTY was called up for second reading by title only, a copy of said ordinance having been posted on the Township bulletin board, published in the Star Gazette on June 10, 2004, the official newspaper of the township and copies made available for inspection.

Public Hearing Moved by Mattei, seconded by Burdge that a hearing on the ordinance be opened to the public. Roll Call: Ayes: Mattei, Burdge, Postma. Nays: none.

Ms. Gail Raub asked what the amount was and what it is being used for. Attorney Edleston answered her questions satisfactorily.

There being no further public comment, moved by Mattei, seconded by Postma to close the public hearing. Roll Call: Ayes: Mattei, Postma, Burdge

Adoption Moved by Mattei, seconded by Postma that an ordinance entitled “An Ordinance authorizing a special emergency appropriation in connection with the costs attributable to a completer program of evaluation of real property pass second reading and be adopted, be advertised in the Star Gazette and become effective according to law. Roll Call: Ayes: Mattei, Postma, Burdge. Nays: none.

Robert Shandor Appeal Hearing The appeal of fees for a subdivision and variance application was continued at this time. Noted for the record that Mr. Robert Shandor was not in attendance at this time. After a brief discussion and review of the case it was the consensus to put the check received from Doug Mace’s office as a refund for his services to Mr. Shandor’s escrow account.

Moved by Burdge, seconded by Postma to refund Mr. Robert Shandor’s escrow account with the refund check received by Doug Mace’s office in the amount of \$291.50. Roll Call: Ayes: Burdge, Postma, Mattei. Nays: none.

Land Use Board Appointment Mayor Mattei appointed Ms. Denise Carney to the Land Use Board as alternate #2.

R:04-56 The following resolution was adopted:

Harmony Township  
Warren County, New Jersey  
Resolution No. R04:56

A Resolution Authorizing a Special Emergency Appropriation Pursuant to N.J.S.A. 40A:4-53 in Connection With the Costs Attributable to a Complete Program of Revaluation of Real Property for the Use of the Harmony Township Tax Assessor

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, by a complete program of revaluation of real property for the use of the Harmony Township Tax Assessor and,

WHEREAS, NJSA40A:4-53 provides that it shall be lawful to make such appropriation, which appropriation and/or the “special emergency notes” issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least 1/5 of the amount authorized pursuant to this act.

NOW, THEREFORE BE IT RESOLVED, that in accordance with the provisions of NJS 40A:4-55:

1. An emergency appropriation is hereby made for costs attributable to a complete program of revaluation of real property in the total amount of \$485,000.
2. That the emergency appropriation shall be provided for in the budgets of the next succeeding five years by the inclusion of not less than \$97,000.00.
3. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Harmony Township Committee at a meeting held on July 6, 2004.

Kelley D. Smith, Municipal Clerk

Roll Call: Ayes: Postma, Burdge, Mattei. Nays: none

O:04-10 Moved by Burdge, seconded by Postma to introduce the following ordinance:

TOWNSHIP OF HARMONY  
COUNTY OF WARREN  
ORDINANCE NO. 04-10

AN ORDINANCE AMENDING CHAPTER 81 OF THE CODE OF THE  
TOWNSHIP OF HARMONY ENTITLED “DRIVEWAYS” BY  
MODIFYING THE DRIVEWAY PERMIT FEES

#### STATEMENT OF PURPOSE

This Ordinance is intended to change the fees currently imposed for Driveway Permits to more accurately reflect the review and approval services involved in same by the Harmony Township engineer.

Be it ordained by the Township Committee of the Township of Harmony, County of Warren, that Section 81-11 is hereby amended and supplemented as follows:

#### FEES

- A. Application fee for all classes (Classes I, II, III, IV) \$25.00;
- B. Review inspection and administration fee for all classes (Classes I, II, III, IV) \$250.00;
- C. Additional fee, in addition to A and B, above for driveways in excess of 12 percent slope \$300.00;
- D. Replenishment of Escrow.  
When review and inspection costs exceed the initial escrow deposit, applicant shall, upon notification from the Township engineer, pay such additional escrow deposit as requested which shall be paid prior to Township engineer’s issuance of the Certificate of Approval (C.A.) which certifies completion of the driveway in accordance with the compliance standards established herein.

REPEALER

All Ordinances or parts of Ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

EFFECTIVE DATE

This Ordinance shall take effect following final passage and publication in accordance with law.

NOTICE

Notice is hereby given that the aforesaid Ordinance was introduced at a regular meeting of the Harmony Township Committee held on July 6, 2004, which Ordinance shall be given further consideration for final passage following a second reading and public hearing to be conducted thereon at its regular monthly meeting to be held on Tuesday, August 3, 2004, which shall commence at 7:30 P.M., at the Harmony Township Municipal Building, address as aforesaid.

\_\_\_\_\_  
Kelley Smith, Municipal Clerk

Roll call: Ayes: Burdge, Postma, Mattei. Nays: None.

Public Comment	<p>Ms. Gail Raub asked about the bidding process and it what the difference between going out to be and getting quotes was. Engineer Duveneck explained the process and the bid threshold.</p> <p>Ms. Karen Buckley asked the committee if they would be available on community day to do a presentation to the township’s veterans. She also asked about the speed limit on Marble Hill Road. This road was looked at once before according to the engineer. He will follow up on gathering the information and once again sending it to the NJDOT for review. She was told to notify the police when people are driving at excessive speeds.</p> <p>Trooper D. Dalrymple of the NJSP was present. He encouraged people to let them know where the problems are. He also mentioned that the State Police are trying to assist communities in building Neighborhood Watch Groups.</p> <p>Rose Botjer asked when the public hearing for the Unified Permit was going to be held.</p> <p>Jane Nemeth requested that more information be given on items in the consent agenda. Mayor Mattei explained that the consent agenda is used to streamline the meetings and any information is available from the Municipal Clerk’s office.</p> <p>Mr. Art Holzeimer from the American Diabetes Association requested approval for a social affairs permit for a fundraising event to be held at the Warren County Fairgrounds in August. There will be a beer garden at this function. He had all the required documents and signatures necessary for the Alcohol Beverage Commission. Moved by Burdge, seconded by Postma to authorize the Municipal Clerk to sign and process the application on behalf of the American Diabetes Association. Roll Call: Ayes: Burdge, Postma, Mattei. Nays: none</p>
Municipal Logo	<p>The Township Committee will be hosting a logo contest to be incorporated for the business conducted in the township. The contest will be judged by the Committee and Historical Commission representatives. The winner will be announced during community day. Moved by Postma, seconded by Mattei to award the winner with a \$200.00 American Express Gift Check. Roll Call: Ayes: Postma, Mattei, Burdge. Nays: none.</p>



R:04-57 (E)  
Executive  
Session  
9:45-10:30

Moved by Mattei, seconded by Burdge to adopt the following resolution:  
  
TOWNSHIP OF HARMONY  
COUNTY OF WARREN  
EXECUTIVE SESSION RESOLUTION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances present exist.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Harmony, County of Warren and State of New Jersey, as follows:

- 1. The public shall be excluded from discussion of and action upon the hereinafter specified matter.
- 2. The general nature of the subject matter to be discussed is as follows:

Potential Litigation

- 3. It is anticipated at this time that the above stated matter will be made public at such time as deemed appropriate.
- 4. This Resolution shall take effect immediately.

\* \* \* \* \*

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution duly and unanimously adopted by the Harmony Township Committee at a meeting held on July 6, 2004.

Kelley D. Smith  
Municipal Clerk

Roll Call: Ayes: Mattei, Burdge, Postma. Nays: none

There being no further discussion, the meeting was reopened to the public at 10:30 p.m.

R04-60  
Unified  
Environ-  
mental

Moved by Burdge, seconded by Postma to adopt the following resolution  
  
TOWNSHIP OF HARMONY  
COUNTY OF WARREN  
RESOLUTION #R04-60

A RESOLUTION OPPOSING RENEWAL OF N.J.P.D.E.S. PERMIT TO  
UNIFIED TTJV, INC (FORMERLY D/B/A HYDROPRESS  
ENVIRONMENTAL SERVICES, INC.)  
LOT 23.01, BLOCK 44

WHEREAS, application has been made to the New Jersey Department of Environmental Protection (NJDEP) for renewal of a New Jersey Pollutant Discharge Elimination System (NJPDES) permit to continue to operate a 100 dry metric ton per day sewage sludge alkaline stabilization facility on Lot 23.01, Block 44 in the Township of Harmony; and

WHEREAS, NJPDES permit number NJ0108596, previously held by Hydropress Environmental Services, Inc. and, subsequent to the submission of the October 28, 1996 NJPDES permit renewal application, the facility was acquired by the Unified Environmental Services Group, L.L.C., the corporate name of which was thereafter changed to Unified TTJV, Inc. (“Unified”), the current permit applicant; and

WHEREAS, the operation proposes to continue the 100 dry metric ton per day sewage sludge alkaline stabilization facility using the N-Viro process and distribute the resultant alkaline stabilized sewage sludge; and

WHEREAS, multiple investigations of the facility have been undertaken by the NJDEP and the Warren County Health Department (WCHD) as a result of a significant number of complaints received from residents of the Township who experienced unreasonable odors; and

WHEREAS, as a result of the numerous investigations, the NJDEP has filed charges against Unified for violation of air pollution standards; and

WHEREAS, the NJDEP by written notification to Unified dated June 2, 2004 has determined Unified has repeatedly violated conditions of both the Air Pollution Control Act, Water Pollution Control Act and Solid Waste Management Act, and that accordingly, that department has “determined that the alkaline stabilized sewage sludge produced by Unified is highly odorous, has generated verified odors in the area surrounding the Harmony Township facility and subsequent distribution sites at levels that interfere with the quality of life of nearby residents that have the potential to adversely affect human health and the environment causing distribution restrictions in New Jersey;” and

WHEREAS, the NJDEP has accordingly concluded that the renewal of the NJPDES permit to Unified would be inconsistent with the statewide sludge management plan, and that same is further inconsistent with the air pollution control rules and air pollution control act; and

WHEREAS, the Department has determined that:

1. The condition of Unified’s facility and of the alkaline stabilized sludge, which it proposes to continue producing, demonstrates a fundamental incompatibility with air pollution control laws warranting elimination of the residual use or disposal practice which Unified proposes to renew;
2. Unified’s failure over a long period of time to mitigate the effects of violating the permit warrants elimination of the residual use or disposal practices which Unified proposes to renew;
3. Renewal of the permit is inconsistent with the NJDEP’s regulations as Unified has proposed to operate the same processes that has heretofore failed to operate in compliance with the NJPDES regulations;
4. Renewal of the permit is inconsistent with the statewide sludge management plan;
5. Renewal of the permit is inconsistent with the Air Pollution Control Act and the air pollution control rules because Unified has proposed to continue to operate the same processes for which it had three air pollution permits revoked and because Unified has caused odors to be emitted into the outdoor atmosphere in quantities which resulted in air pollution resulting in violations that further Unified generates a product which under study approximates an odor that may produce from a significant reaction to a strong to physiological reaction in humans;
6. Renewal of the permit is inconsistent with the Solid Waste Management Act because Unified has proposed to continue to operate the same process which is currently in violation of the solid waste management act;
7. Unified has repeatedly violated conditions of the Water Pollution Control Act; and

WHEREAS, in addition to the foregoing, the Township Committee is aware of a significant number of past complaints to the Warren County Health Department regarding odors as well as noise complaints which have caused nuisance conditions within the Township of Harmony at levels that interfere with the quality of life of nearby residents;

NOW, THEREFORE, based upon the foregoing, the Harmony Township Committee does hereby adopt this memorializing resolution to reflect its position that the NJDEP deny Unified’s application for the renewal of an NJPDES permit.

I, Kelley D. Smith, Clerk of the Township of Harmony do hereby certify the foregoing to be a true copy of the resolution adopted by the Harmony Township Committee at its monthly meeting held on July 6, 2004 by a motion and vote as follows:

Roll Call: Ayes: Burdge, Postma, Mattei. Nays: none.

\_\_\_\_\_  
Kelley D. Smith, Municipal Clerk

Morris County Land Conservancy      Moved by Postma, seconded by Burdge to authorize the use \$10,000.00 from the open space trust fund account to contract for services provided by the Morris County Land Conservancy for farm land preservation and open space purposes. Roll Call: Ayes: Postma, Burdge, Mattei. Nays: none.

Adjourn      Moved by Mattei, seconded by Burdge to adjourn the meeting at 10:33 p.m. Roll Call: Ayes: Mattei, Burdge, Postma. Nays: none.

\_\_\_\_\_  
Kelley D. Smith, Municipal Clerk